The Act for furthering of Iustice in criminall causes.

AT Halyruidhous the last day of Nouember, the zeir of God ane thousand fyue hundzeth four scoir aucht zeiris, The Kingis Maiestie, and his estaitis pzesentlie assembled, hauing hard and considerit the act & directioun laitlie maid be his hienes with aduise of his priuie counsell, for the furtherings of Iustice in criminall causes, hes ratified, approued and allowed the samin. Of the quhilk the tenour followis. At Halyruidhous the nynt day of Nouember, the zeir of God M.D.LXXXIJ zeiris. Forsamekle as the Kingis Maiestie, being mouit with the frequent slauchteris, & vtheris odious crymes committit within his Realme, and of ye wilfull resset and supplie of his rebellis denuncit to ye horne for ye samin crymes, hauing craued and hard the opinion of the Officeris of estait, and vtheris his counsellouris maist commounlie resident and attending vpon his Maiestie, hes be thair aduise thocht conuenient, resolvit and concludit, that with all gudlie diligence trauell be takin to vnderstand the trew estait of the Realme, aswell of the saidis crymes, as committaris thair of, be the buikis of adiournale, & vtherwyse. And be reasoun it wilbe difficill to his hienes Thesaurare and his Depute to ouertake all thing necessarily to be inquirit, done, and directit in this behalf, with that celeritie quhilk it cravis, his hienes hes deuydit his haill Realme (beside Orknay) in four quarteris appointand for euerie quarter thrie of his counsale, and vtheris hereftir specified, to supplie his hienes Thesaurare and Iustice, quhill the fyftene day of Marche nixt to cum: that then his Maiestie vpon experience of the succes of thair trauellis may vnderstand euerie mannis diligence, and may tak deliberatioun quhat is further to be followit out heiranent, for his hienes honour & seruice, and quieting of the countrie. Quhilk twelf persones sall conveen togidder, and euery ane for him self, in maner as efter followis. That is

tolay, For ye South quarter, compȝehending ye Schyrefdomes of Striueling, Linlithgow, Edinburgh principall, & within ye constabularie of Hadingtoun, Berwick, Roxburgh, Selkirk, Peblis, Thomas Maister of Glammis his hienes Thesaurare, Syr James Hume of Coldenknowis knycht Capitane of the Castell of Edinburgh, & Maister Dauid Mackgill of Nisbet his Maiesties Aduocat. For ye west quarter, compȝehending ye Schyrefdomes of Lanerk, Renfrew & Air, Dunbertane, Ergyle or Tarbert, and Bute, Wigtoun, Dumfreis, Stewartries of Kirkudbricht, & Annerdaill, and Bailliaries of Kyle, Carrik, & Cuninghame, Syr Johne Maitland of Thirlestane Knycht his hienes Chancellare and Secretair, Syr Patrik Vaus of Barnebarraugh Knycht, and Maister Peter Young of Seytoun maister Elemosinare. For ye middle or East quarter, compȝehending ye Schyrefdomes of Clakmannane, Kinros Fyfe, Perth, Forfare, & Kincardin, & Stewartreis of Stratherne, & Menteith, Syr Lewes Bellenden of Auchnoule knycht Clerk of Justiciarie, Ualter commendator of Blantyre L. keipar of the priuie seill, & Johne Arnot Prouest of Edinburgh. For ye North quarter compȝehēding ye Schyrefdomes of Abirdene, Bamf, Elgin, & Forresse, Narne, Innernes & Cromartie, Syr Robert Maluile of Wardcairny knycht Thesaurare depute, Maister Dauid Carnegie of Cullithie, & Alexander Hay of Eister Kennat clerk of ye Register.

And for the mair speciall directioun quhairunto euery ane of ye saidis xij personis his hienes officeris & counsellouris sall attend, his Maiestie hes willit & commandit euery quarter of ye Realme to be deuydit in thrie partis, appointand to euery ane of them ane seuerall part thairof, & ane Justice court to be haldin within ye Tolbuith of Edinburgh for euery ane of the saidis partis in ye Monethis of December, Januar, Februar & Marche nixtocum, & for euery ane of the saidis courtis ye space of ane oulk. Beginnand ye first court vpon Monunday ye xvj day of December nixtocum for the Schyrefdomes of Striueling, Linlithgow & Edinburgh principall committit to ye speciall cair and diligence of the said Laird of Coldenknowis Capitane of ye castell of Edinburgh. The secund court vpon Monunday the xvij day of December, for ye Schyrefdomes of Edinburgh within ye constabularie of Hadingtoun & Berwick committit

nyttit to ye speciallcair & diligence of ye said Thomas Maister of Glammis Thesaurare. The thrid court vpon Monunday ye penult day of December, for the Schyrefdomes of Rorburgh, Selkirk & Peblis committit to ye speciall cair & diligence of the said Lord Aduocat. The ferd court vpon Monunday the sext day of Januar for the Schyrefdomes of Lanerk, Renfrew & Air, & Baillieris of Kyle, Carrik & Cuninghame committit to the speciall cair & diligēce of the said Lord Chancellair. The fyft court vpon Monunday the xiij day of Januar for the Schyrefdomes of Dunbertane, Ergyle or Tarbert & Bute committit to the speciall cair & diligence of ye said Maister Elemosinare. The sext court vpon Monunday ye xx day of Januar for the Schyrefdomes of Wigtoun, Dumfreis & Stewartreis of Kirkudbricht & Annerdaill committit to the speciall cair & diligence of the said Syr Patrik Vans of Barnebarrauch knycht. The seuint court vpon Monunday the xxvij of Januar for the Schyrefdomes of Clakmannane, Kinrosse, & Fyfe committit to ye speciall cair and diligence of the said Provest of Edinburgh. The aucht court vpon Monunday the thrid day of Februar for ye Schyrefdomes of Perth, and stewartreis of Stratherne & Menteith committit to ye speciall cair & diligence of the said Justice Clerk. The nynt court vpon Monunday the x day of Februar for the Schyrefdomes of Forfar and Kincardin committit to ye speciall cair and diligence of ye said Keipar of the priuie seill. The tent court vpon Monunday the xvij day of Februar for the Schyrefdome of Abirdene committit to the speciall cair and diligence of the said Syr Robert Meluile thair Depute. The eleuint court vpon Monunday the xxiij day of Februar for the Schyrefdomes of Banffe, Elgin, Forreiss and Narne committit to the speciall cair and diligence of the said M. Dauid Carnegie of Colluthie. The twelt court vpon Monunday the thrid day of Merche for the Schyrefdomes of Innernes & Cromartie committit to the speciall cair and diligence of the said Clerk Register: all with continuatioun of dayis.

And that his Maiesties Chancellair conuene the saidis xij personis daylie or sa oft as the occasioun sall offer, to consult vpon the further particularities of this seruice. And his Maiesties self will inquire and tak compt of thair diligence euerie

ilk twyis oz thryis, speciallie on the Wednisday and Fryday in the morningis. And will resaue the complaintis of all complayneris, and direct the same to euery ane of the saidis rij personis within quhais boundis the complaint is. And his Maiestie will prwelie heir euerie anc of the saidis rij personis quhen they sall haue ony necessary purpois to communicate to him tending to the furtherance of this seruice.

And further his hienes is deliberate and promisis that quhill the said xb day of Marche nixt to cum his Maiestie will na wayis grand oz subscriue ony maner of respect, renullioun, command foz continuatioun oz delyting of ony Justice court, giftis oz dischargis of vnlawis, escheitis, oz quhatsumeuer penalteis, oz casualities falling be meanis of the saidis Justice courtis, oz quhilk may hinder the trew effect thairof, without the aduise of the saidis rij personis, at leist seuin of them being togidder, and subscriuing befoze his Maiestie.

The saidis rij personis at his Maiesties command hes takin vpon them the inquisitioun of the crymes, railing of the letteris, & causing execute the samin, and summoning ye assyses, and sall mak the first expensis thairon, quhill the samin may be recompensit be the first casualities falling be thir courtis and escheitis thairof, within the boundis committit to them. In the componing quhairof my Lozd Thesaurare oz his depute sall vse the aduise of him that is appointed foz that part of the countrie, & ilk vtheris of the Officeris and counsale as sall be present.

The saidis rij personis, Officeris of estate and Counsellonris hes promisit to attend vpon his Maiestie at Edinburgh, and not to depart thairfra, without his hienes knawledge & leif, and that they haue appointed ane vther of the same rij personis to supplie thair absence in this seruice vnto thair returning, quhill the xb day of Marche nixt to cum.

In ye saidis courtis of Justiciarie the Justice oz his deputis sall proceid to ye tryall oz punishmẽt of slauchteris committit thir last thrie

thrie zeiris, fen ye first day of Nouember 1585, vpon ye names resaue fra the Iustice clerk & his depute, and sik vtheris as can be inquyrit of without preiudice to parties to persew for vther slauchteris at thir fame dyetis, gif they will.

Nirt vpon the relletteris and supplearis of the speciall personis at the horne, and vpon ---

All Iesuitis, Seminarie Preistis, and excommunicat Papistis.

All incestuous personis, & notorious obstinate adultereris.

All commoun sorneris, vagaboundis, and the pernicious theuis and abuleris, calling them selfis Egyptianis.

All defoirceris of the Kingis Officeris.

And yat all officeris of Armes (the ordinar Heraldis, Waleris, and Pursevantis exceptit) be personallie present in the saidis courtis, to answer to the complantis of speciall fallettis, extortionis, and oppressioumis committit be them vnder colour of executioun of thair offices.

For the committaris of the said slauchteris, gif they haue bene called and remanis at the horne vnrelaxit, that letteris be direct for vptaking of thair escheitis, and to the Schyreffis, Barounis, and Townes to assist the Officeris, gif neid be. As allwa charging the Schyreffis, and vtheris ordinare Judges, and generallie all men, to seik, searche, tak and apprehend the Rebellis, and being apprehendit to keip them in firmance and captiuitie, quhill iustice be execute vpon them for the saidis crymes. As allwa to charge the Rebellis to enter thair awin personis in waird, and to rander thair stanehouses and fortalices, gif they ony haue, vnder the paine of trealoun. And gif the Rebellis be sik personis as ar Schyreffis them selfis, or that the Schyreffis may not or dar not execute the charge, that the matter be communicate to his hienes self, that he being informed may vse force in proper persone, or vtherwyse direct it to be vsit as he sall think guid.

Gif the Rebellis haue bene zeir & day at the horne, and na dispositioun maid of thair lyferentis, to intromet & bying in thair liuingis to his hienes vse. Gif they be relaxit that letteris be direct charging thair souirties to enter them to ye courtis, yat parties offen-

vit may reſſaue ſuirtie for ſatiſfactioun and allyithment. And quhair the offendouris hes not zit bene complenit on that pai be now callit to the ſaidis courtis.

¶ Quhair perſonis callit to vnderly the law hes obtenit and vſis reſpectis and remiſſiounis, pai ſall be compellit to find guid ſuirties to ſatiſfie the parties complenand, and his Maieſtie will caus the allyithment to be modefyit with als greit ſpeid as is poſſible: and will hald hand that the decreittis to be geuin thairupon ſall be execut without delay or ſubterfuge.

¶ And that for all offenſis quhair the lyfe of the offendour is ſpairit guid ſuirtie be fund to abſtene in tyme cumming vnder greit painis. And that nane of the nobilitie, or Officeris of eſtait, or Counſellouris, or of his hienes familiar ſeruandis, nor nane vtheris pat ar difficill to be conuenit be reſſauit ſouirteis for allyithment of parties complenand, or that perſons callit ſall compeir to vnderly the law, or to abſtene in tyme cummiug, or for ony vther occaſioun.

¶ For getting knawledge of the perſonis culpable of the particulare crymes aboue writtin, that letteris be direct to the Schyreffis & thair deputis commanding to ſummond a dozane, xv or xxj at pair diſcretion of the maiſt famous & honeſt Baronnis, Landit gentlemen or vtheris within the ſhyre, burgh, or land, to a certane day with als greit ſpeid as may be, and be thair greit aithis to delait & returne the nanis of all perſonis ſuſpect of the crymes aboue writtin that ar appointit to be followit at this tyme, beſide ſik vther priuie intelligence as may be had be moyen. And to warne all parties that hes to do, perſew, follow or defend in the ſaidis Juſtice courtis, to giue in thair complaintis in tyme, & to await at ye ſaidis courtis as pai will be ſeruit.

That ane hundreth perſonis of the beſt & worthieſt landit men to burgh or Land, & vtheris that may beir thair awin chargis within euery ane of the xij partis be ſummonit to paſſe vpon the aſſyſe of the perſonis delaitit and to be acculit, quhilkis ſall be haldin to

compeir.

compeir the first day of the oulk yat yai ar summonit vnder the painis contenit in the actis of Parliament, notwithstanding ony exemptiounis or excuses. Except only sik as sall be prouin (be the aith of thair minister compeirand) to be seik and vnable for trauell.

Upon the first day of the court & oulk, aswell the personis summont to compeir that day as the haill personis of the assyse to be callit and the absentis & thair suirties to be vnlawit.

At ye end of euery oulk the extract of the court and oulk immediatly preceding to be geuin out to the persoun hauand the cair of that part, that diligence may be maid without further delay for vptaking of the painis & vnlawis. And compt to be trauen of the same diligence how sone the same conueniently may be done.

Sik personis as compeiris the first day & hes or will vse respect or remissioun to be callit & put to poine the first day appointit for thair compeirance, gif it be possible. Vtherwayis vpon the nixt dayis of the oulk thaireftir. And that it be considerit the same first day how mony of the comparentis will offer them selfis to ane assyse. And that ane assyse be wailed maist meit for them appointand fum day of that oulk thairfoir, how sone it can be ouertakin. And to let out the comparentis the said first day vpon greit suirteis. And command the assyseuris to remane that haill oulk at leist quhill ye court appointit for that part be endit vnder double painis.

That the thrie appointit for euery quarter accompanie & be assessouris to the Justice deputis during ye haill space of ye thrie oulkis appointed for that quarter. And euery ane of them in particular promittis to tak the cair & burding of the dispatche of letteris, & vtheris thingis requisite for preparatioun agane ye court, and executioun of thingis necessary aswell before the courtis as thaireftir quhill the 25 day of Marche.

They sall caus execut letteris vpon all Landillordis & Chiftanis of Clannis in the hielandis and bordezis to find suirteis or enter

pledgis

pledgis for gild conforme to ye new act of Parliament.

All lik thingis as [illegible] possible be vsurtaken in thir courtis to be continued to ye nixt Iustice courtis to be haldin in ye tyme of ye Somer sessioun, quhilk will lykewyse lest ye space of xij oulkis, fra ye xv day of May to ye xv day of August, seing in ye tyme of the twa vacances of sawing and shering it will be difficill to await vpon ye iustice courtis in Edinburgh.

They sall gar proclame ye letteris certifying all complenaris vpon theuis in the hielandis and bozderis, how they sall persew & seik for redzesse of thair skaithis.

They sall inquyre for ye namis of sum speciall theuis & lymmaris in euery shyre to assist ye Iustice clerk yat yai may be geuin furth in valentynis to thair maisteris, and sall giue aduise how the maisteris & landislozdis or chiftainis failleing to present them sall be called to be tryit vpon thair diligence.

And that letteris be direct for publicatioun of this present act and ordinance be oppin proclamation at the mercat croce of Edinburgh and vther mercat croces and placis neidfull, yat nane pretend ignozance of the samin. And yat ye samin be imprentit alswa, quhairthrow it may cum ye mair spedelie to ye knawledge of all his hienes leiges, quhairvnto ye copie heirof subscriuit be the Clerk of Register sall serue for sufficient warrand. Subscriuit be his Maiestie, and ye saidis xij personis in takin of thair acceptatioun. At Edinburgh ye 9 day of Nouember. 1588.

IAMES R.

Imprentit at Edinburgh be Henrie Charteris.

Cum Priuilegio Regali.

[illegible] Nov. 1589